**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929**

**WA.No. 1461 of 2007()**
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**AGAINST THE JUDGEMENT/ORDER IN WPC.21479/2006 Dated 23/05/2007**
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**APPELLANT: PETITIONER:**
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**SMT.V.S. UMADEVI,**
**SREEMOOLAM KARIKKAL, KARIMPINPUZHA P.O.,**
**KOTTARAKKARA (L.G.F.T. HINDU TEACHER),**
**U.P.S. KULASEKHARAPURAM, KARUNAGAPPALLY.**

**BY ADV. SMT.S.K.DEVI**
**SRI.SANTHOSH P.ABRAHAM**

**RESPONDENTS: RESPONDENTS:**
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**1. THE ASSISTANT EDUCATIONAL OFFICER,**
**KARUNAGAPPALLY.**

**2. THE ASSISTANT EDUCATIONAL OFFICER,**
**SASTHAMKOTTA.**

**3. THE DEPUTY DIRECTOR,**
**DEPARTMENT OF EDUCATION, KOLLAM.**

**4. THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
**DIRECTORATE OF PUBLIC INSTRUCTION,**
**THIRUVANANTHAPURAM.**

**5. SMT. G.BEENAKUMARI,**
**L.G.HINDI TEACHER, ONAVILA U.P.SCHOOL, ONAVILA,**
**SASTHAMCOTTA, KOLLAM DIST.**

**BY ADV. SRI.M.V.BOSE**
**GOVERNMENT PLEADER SRI.BENNY GERVASIS**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.**

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**W.A. NO. 1461 OF 2007**

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**Dated this the 22nd day of June, 2007**

**J U D G M E N T**

**Radhakrishnan, J.**

Heard the learned counsel for the appellant and the Government Pleader.

2. Representation submitted by the appellant was rejected by the Deputy Director, Education by Ext.P5 letter dated 23.6.2006 stating that even though the request of petitioner for accommodation against a regular full time post is admissible as per rules, no relief can be granted in the absence of the Manager in Office. Counsel for the petitioner referred to Ext.P9 order wherein Deputy Director has passed an order by filling up the existing vacancy in the same school exercising powers of the Manager. Considering the facts and circumstances of the case, we are inclined to give a direction to the 3rd respondent to decide the petitioner's case as per rules. The teacher, in our view shall not suffer due to the management dispute. Ext.P5 order is set aside and we direct the 3rd respondent to pass appropriate orders on

merits within a period of one month from the date of receipt of this judgment. The 5th respondent may also be heard while passing orders on the request of 3rd respondent as directed above. The judgment of the learned Single Judge is set aside as above.

Writ appeal is disposed of as above.

**K.S.RADHAKRISHNAN, JUDGE.**

**ANTONY DOMINIC, JUDGE.**

Rp